

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

FIFTY-THIRD LEGISLATIVE DAY
THURSDAY, MARCH 2, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Hill, Keough, Langhorst, Lodge, McGee, Marley, Pearce, Richardson, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Katie Twiggs, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 1, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

Reading of Communications

February 24, 2006

The Honorable Gary Schroeder
Senate Resources and Environment Committee
Idaho Legislature

Dear Senator Schroeder and Committee Members:

Pursuant to *Idaho Code* 36-2106, the Idaho Fish and Game Commission, at its meeting in Boise on August 30, 2005, appointed Marcus Gibbs to serve as its representative to the Idaho Outfitters and Guides Licensing Board (IOGLB), subject to your approval.

Marcus is a farmer, hunter, avid trap shooter and fisherman. He is a life member of the Rocky Mountain Elk Foundation. He

also belongs to Pheasants Forever, the Amateur Trapshooting Association, and the Single Action Shooting Society.

Marcus is from Grace, Idaho. He was appointed to the Fish and Game Commission to represent the Southeast Region in 1999 and reappointed in 2002. His Commission appointment expires June 30, 2006.

Marcus's experience on the Idaho Fish and Game Commission will serve him well in this assignment. The Commission is confident that Marcus's service on the Board will promote an excellent relationship and communications among IOGLB, the Idaho Fish and Game Commission and the Department of Fish and Game.

Sincerely,
/s/ Cameron Wheeler, Chairman
Idaho Fish and Game Commission

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Idaho Fish and Game Commission appointment to the Idaho Outfitters and Guides Licensing Board was referred to the Resources and Environment Committee.

The Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJM 119

BY JUDICIARY AND RULES COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, on Monday, June 27, 2005, the U.S. Supreme Court concluded in two razor thin majorities of 5-4 that it is consistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas but not on the courthouse walls of two counties in Kentucky; and

WHEREAS, many Americans are deeply puzzled as to how the U.S. Supreme Court could produce two opposite results involving the same Ten Commandments; and

WHEREAS, it is appropriate to observe that based on the Kentucky decision it is permissible to display the Ten Commandments in a county courthouse provided that you do not believe in God; and

WHEREAS, in the Kentucky case, Justice Scalia used the following words to emphasize the importance of the Ten Commandments to most Americans:

"The three most popular religions in the United States, Christianity, Judaism, and Islam - which combined account for 97.7% of all believers - are monotheistic All of them, moreover

(Islam included), believe that the Ten Commandments were given by God to Moses, and are divine prescriptions for a virtuous life."; and

WHEREAS, very recent polling data by a major Washington, D.C., paper revealed that a huge majority of the American people support posting the Ten Commandments:

"Seventy percent of Americans would have no objection to posting the Ten Commandments in government buildings, and eighty-five percent would approve if the Commandments are included as "one document among many historical documents" when displayed in public buildings, according to a survey conducted for the First Amendment Center."; and

WHEREAS, S 520 and HR 1070 are federal bills that will allow the display of the Ten Commandments in public places in America, providing in relevant part as follows:

"Notwithstanding any other provision of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any matter to the extent that relief is sought against an entity of Federal, State, or local government, or against an officer or agent of Federal, State, or local government (whether or not acting in official or personal capacity), concerning that entity's, officer's, or agent's acknowledgment of God as the sovereign source of law, liberty, or government."; and

WHEREAS, hearings were held on the same language in June 2004 in the Constitution, Civil Rights and Property Rights Subcommittee of the Senate Judiciary Committee and hearings were also held on this language in September 2004 in the Courts Subcommittee of the House Judiciary Committee; and

WHEREAS, Chief Justice Rehnquist in the Texas case used these words to describe the obvious duplicity of the U.S. Supreme Court in telling local governments in America that they cannot display the Ten Commandments in local buildings in their communities while at the same time allowing these same Ten Commandments to be present on these specific places on the building housing the U.S. Supreme Court:

"Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets."; and

WHEREAS, the Kentucky decision will be used by litigants who want to remove God from the public square in America and sooner or later, this effort will take place in our states. Reports have indicated that it is now underway in at least twenty-five different places in America, namely, to require the removal of the Ten Commandments from public buildings or public parks.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature requests Congress to adopt S 520 and HR 1070 and in so doing protect the ability of the people of Idaho to:

(1) Display the Ten Commandments in public buildings and places in our states;

(2) Express their faith in public;

(3) Retain God in the Pledge of Allegiance;

(4) Retain "In God We Trust" as our national motto; and

(5) Utilize Article 3, 2.2 of the U.S. Constitution to except these areas from the jurisdiction of the U.S. Supreme Court.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a

copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SCR 125

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE IDAHO STATE BOARD OF DENTISTRY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho State Board of Dentistry are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 19.01.01, rules of the Idaho State Board of Dentistry, adopted as pending rules under Docket Number 19-0101-0503, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 126

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF HEALTH AND WELFARE GOVERNING THE MEDICAL ASSISTANCE PROGRAM.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare governing the Medical Assistance Program are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.09, rules of the Department of Health and Welfare governing the Medical Assistance Program, adopted as pending rules under Docket Number 16-0309-0503, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 127

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE IDAHO STATE BOARD OF DENTISTRY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho State Board of Dentistry are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 19.01.01, rules of the Idaho State Board of Dentistry, adopted as pending rules under Docket Number 19-0101-0502, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

SJM 119, SCR 125, SCR 126, and SCR 127 were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

President Risch assumed the Chair.

March 1, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 471, H 461, H 444**, as amended, **H 473, H 459, H 458, H 457**, and **H 483** with the recommendation that they do pass.

BUNDERSON, Chairman

H 471, H 461, H 444, as amended, **H 473, H 459, H 458, H 457**, and **H 483** were filed for second reading.

March 1, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 443** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 443** was referred to the Fourteenth Order of Business, General Calendar.

March 1, 2006

The STATE AFFAIRS Committee reports out **S 1401** and **H 672** with the recommendation that they do pass.

BURTENSHAW, Chairman

S 1401 and **H 672** were filed for second reading.

March 1, 2006

The STATE AFFAIRS Committee reports out **H 671** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **H 671** was referred to the Fourteenth Order of Business, General Calendar.

March 1, 2006

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Scott Farr to the Idaho Outfitters and Guides Licensing Board, term to expire April 20, 2008;

Jim Kempton to the Northwest Power and Conservation Council, term to expire January 15, 2009.

SCHROEDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 1, 2006

The JUDICIARY AND RULES Committee reports out **S 1414, S 1415, H 579, H 580**, and **H 581** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1414, S 1415, H 579, H 580, and **H 581** were filed for second reading.

March 1, 2006

The JUDICIARY AND RULES Committee reports out **S 1356** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1356** was referred to the Fourteenth Order of Business, General Calendar.

March 1, 2006

The HEALTH AND WELFARE Committee reports out **HCR 40, HCR 41**, and **H 708** with the recommendation that they do pass.

COMPTON, Chairman

HCR 40 and **HCR 41** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 708 was filed for second reading.

Senators Keough and Sweet were recorded present at this order of business.

March 1, 2006

The EDUCATION Committee reports out **HCR 32** and **HCR 33** with the recommendation that they do pass.

GOEDDE, Chairman

HCR 32 and **HCR 33** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Burkett, Hill, Langhorst, McGee, and Richardson were recorded present at this order of business.

March 1, 2006

Mr. President:

I transmit herewith **H 546, H 637, H 583, H 632, H 633, H 717, H 692, H 593, H 594, H 599**, and **H 615** which have passed the House.

JUKER, Chief Clerk

H 546, H 637, H 583, H 632, H 633, H 717, H 692, H 593, H 594, H 599, and **H 615** were filed for first reading.

March 1, 2006

Mr. President:

I transmit herewith Enrolled **H 435** and **H 451** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 435** and **H 451** and ordered them returned to the House.

March 1, 2006

Mr. President:

I transmit herewith **S 1315** which has passed the House.

JUKER, Chief Clerk

S 1315 was referred to the Judiciary and Rules Committee for enrolling.

March 1, 2006

Mr. President:

I return herewith Enrolled **S 1264** and **SCR 123** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1264** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 123** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

Senators Cameron, Lodge, Marley, Pearce, and Werk were recorded present at this order of business.

S 1423

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO GENETIC TESTING PRIVACY; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 83, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO SET FORTH RESTRICTIONS REGARDING GENETIC TESTING INFORMATION APPLICABLE TO EMPLOYERS, TO PROVIDE FOR A PRIVATE RIGHT OF ACTION AND TO PROVIDE FOR ENFORCEMENT; AND AMENDING SECTION 41-1313, IDAHO CODE, TO PROHIBIT INSURERS FROM DISCRIMINATING ON THE BASIS OF A GENETIC TEST OR PRIVATE GENETIC INFORMATION FOR CERTAIN PURPOSES.

S 1424

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO SALARIES OF MEMBERS OF THE STATE TAX COMMISSION; AMENDING SECTION 63-102, IDAHO CODE, TO PROVIDE AN ADDITIONAL ANNUAL SALARY OF TWO THOUSAND SEVEN HUNDRED FIFTY DOLLARS PER YEAR OVER A FOUR YEAR PERIOD FOR MEMBERS OF THE STATE TAX COMMISSION AND TO PROVIDE THAT THE INCREASE IN AMOUNT OF ANNUAL SALARY BE ONGOING.

S 1425

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT; AMENDING SECTION 18-8304, IDAHO CODE, TO EXEMPT FROM REPORTING REQUIREMENTS CERTAIN DEFENDANTS CONVICTED OF STATUTORY RAPE AND TO MAKE A TECHNICAL CORRECTION.

S 1426

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE PUBLIC SCHOOLS; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-310C, IDAHO CODE, TO PROVIDE RECOMMENDATIONS ON THE NUMBER OF SCHOOL DISTRICTS BASED IN A COUNTY BASED UPON POPULATION OF THE COUNTY AND TO PROVIDE

RECOMMENDATIONS FOR CONSOLIDATION; AMENDING SECTION 33-304, IDAHO CODE, TO PROVIDE THAT ANY COUNTY DESIGNATED AS A JOINT SCHOOL DISTRICT'S HOME COUNTY MUST CONTAIN AT LEAST FORTY PERCENT OF THE DISTRICT'S TAXABLE PROPERTY VALUE AND TO PROVIDE THAT IF NO SINGLE COUNTY COMPRISES AT LEAST FORTY PERCENT OF THE DISTRICT'S TAXABLE PROPERTY VALUE, THEN THE COUNTY DESIGNATED AS THE HOME COUNTY SHALL BE THAT COUNTY HOLDING THE LARGEST SHARE OF THE DISTRICT'S TAXABLE PROPERTY VALUE; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE THAT SCHOOL DISTRICTS SHALL BE ASSIGNED DIVISORS FOR THE PURPOSES OF CALCULATING ADMINISTRATIVE AND CLASSIFIED STAFF ALLOWANCES AS IF THE RECOMMENDED SCHOOL DISTRICT CONSOLIDATIONS HAD TAKEN PLACE; AND AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE THAT THE NUMBER OF PUBLIC CHARTER SCHOOLS THAT MAY BE AUTHORIZED TO OPERATE, IN TOTAL, SHALL NOT EXCEED THE TOTAL NUMBER OF SCHOOL DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS.

S 1427

BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND; AMENDING SECTION 33-3401, IDAHO CODE, TO ALLOW FOR EDUCATION SERVICES TO BE DELIVERED TO STUDENTS RESIDING OUTSIDE THE CAMPUS AREA IN GOODING AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-3407, IDAHO CODE, TO REVISE THE DEFINITION OF ELIGIBLE STUDENTS, TO REVISE PROCEDURES FOR OFFERING THE SCHOOL'S SERVICES AND TO MAKE TECHNICAL CORRECTIONS.

S 1428

BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE ISSUANCE OF A LICENSE TO CARRY CONCEALED WEAPONS AND TO MAKE TECHNICAL CORRECTIONS.

S 1423, S 1424, S 1425, S 1426, S 1427, and S 1428 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 546 and **H 637**, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 583, H 632, and H 633, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 717, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 692, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 593, H 594, and H 599, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 615, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1422, by Finance Committee, was read the second time at length and filed for third reading.

H 465, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

S 1367, by Transportation Committee, was read the second time at length and filed for third reading.

H 560 and H 561, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

S 1411, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 578, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 452, by State Affairs Committee, was read the second time at length and filed for third reading.

H 585 and H 586, by Business Committee, were read the second time at length and filed for third reading.

S 1417, by Finance Committee, was read the second time at length and filed for third reading.

H 533, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

H 601, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

S 1266, as amended, by Transportation Committee, was read the second time at length and filed for third reading.

S 1350, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1390, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1400, as amended, **S 1354**, as amended, as amended, **S 1332**, as amended, and **S 1412**, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1395, as amended, by Education Committee, was read the second time at length and filed for third reading.

S 1409, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Schroeder, granted by unanimous consent, **S 1382** retained its place on the Third Reading Calendar for one legislative day.

S 1386 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1386** passed, title was approved, and the bill ordered transmitted to the House.

S 1387 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Langhorst, granted by unanimous consent, **S 1387** was referred to the Fourteenth Order of Business, General Calendar.

Having voted on the prevailing side by which **S 1386** passed the Senate, Senator Davis served notice that he may on this or the next legislative day move for reconsideration of the vote.

S 1386 was ordered held at the Secretary's desk.

Having voted on the prevailing side and proper notice having been served, Senator Davis requested unanimous consent that the vote by which **S 1386** passed the Senate be now reconsidered.

Senator Davis' request was granted by unanimous consent, and **S 1386** was placed before the Senate for reconsideration.

On request by Senator Langhorst, granted by unanimous consent, **S 1386** was referred to the Fourteenth Order of Business, General Calendar.

S 1416 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and Cameron arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly,

Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Bunderson. Total - 1.

Total - 35.

Whereupon the President declared **S 1416** passed, title was approved, and the bill ordered transmitted to the House.

H 477 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 477** passed, title was approved, and the bill ordered returned to the House.

H 488 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 488** passed, title was approved, and the bill ordered returned to the House.

H 436 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 436** passed, title was approved, and the bill ordered returned to the House.

H 453 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Davis. Total - 1.

Absent and excused--Brandt, Bunderson. Total - 2.

Total - 35.

Whereupon the President declared **H 453** passed, title was approved, and the bill ordered returned to the House.

H 462 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 462** passed, title was approved, and the bill ordered returned to the House.

H 464 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 464** passed, title was approved, and the bill ordered returned to the House.

H 414 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 414** passed, title was approved, and the bill ordered returned to the House.

The President called President Pro Tempore Geddes to the Chair.

H 454 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk. Total - 32.

NAYS--Schroeder. Total - 1.

Absent and excused--Bunderson, Williams. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 454** passed, title was approved, and the bill ordered returned to the House.

H 556 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 556** passed, title was approved, and the bill ordered returned to the House.

H 577 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 577** passed, title was approved, and the bill ordered returned to the House.

H 446 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 446** passed, title was approved, and the bill ordered returned to the House.

H 448 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 448** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 447 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Cameron disclosed he has no foreseeable conflict of interest under applicable law insofar as **H 446**, **H 448**, and **H 447**.

The question being, "Shall **H 447** pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 447** passed, title was approved, and the bill ordered returned to the House.

H 415 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 415** passed, title was approved, and the bill ordered returned to the House.

H 476 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 476** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 571** and **H 574** retained their place on the Third Reading Calendar.

H 575 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 575** passed, title was approved, and the bill ordered returned to the House.

H 535 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 535** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 534**, as amended, was placed at the head of the Third Reading Calendar, followed by all Senate bills, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate adjourned at 12 noon until the hour of 10 a.m., Friday, March 3, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary